his vendor in trover. 1 HARV. L. REV. 4, note 2. If the courts will recognize this truth they will then be in a position to cast aside arbitrary fictions, and accept a rule working justice in all cases. A proper rule, it is suggested, is that impossibility should be recognized as a defense wherever it seems reasonable that, had the contingency which renders performance impossible been contemplated by the parties, they would have both agreed that its introduction into the contract, as a condition terminating the obligation, would be just.

STATUTORY JURISDICTION OVER CRIMES. — Whatever doubt there may be as to the early common law, it is now well settled that the crime of murder is committed at the place where the fatal blow is struck, irrespective of the place of death. *U. S.* v. *Guiteau*, 1 Mackey (D. of Col.) 498. Numerous statutes have been enacted that if a blow is inflicted without the state and death ensues therefrom within the state, the offence may be punished where such death occurs. Under these statutes, trials resulting in convictions have occurred at the place of death. *Tyler* v. *People*, 8 Mich. 320; *Comm.* v. *Macloon*, 101 Mass. 1. These statutes have recently been assailed as exercising extra-territorial jurisdiction over crimes — attempts in one jurisdiction to punish a crime committed in another. *Responsibility for Crime in Cases where the Criminal Act is Committed in one Jurisdiction and takes Effect in Another*, by Merle I. St. John. 3 Brief 422 (Oct., 1901). The difficulty seems to arise from a misapprehension of the crime that is being punished. It is true that a state cannot inflict punishment when the criminal act has been committed beyond its jurisdiction. Yet whoever causes a prohibited event to happen within a state has clearly made himself amenable to the law of that jurisdiction, regardless of whether he has been physically present or not. *U. S.* v. *Davis*, 2 Sumn. (U. S. Circ. Ct.) 482; *Lindsey* v. *State*, 38 Oh. St. 507. Homicide consists of a physical act and a chain of consequences which finally culminate in death. In the crime of murder the common law selects from this chain the application of the fatal force as the criminal act. But the state may if it wills select any other consequence and enact that whoever causes that consequence to occur within its borders shall be guilty of a crime, and whether it calls that crime murder or by some other name is quite immaterial. It is not the application of the fatal force that is here punished but a consequence thereof happening in a state whose people are injured by and whose laws prohibit such an occurrence. The statutes in question, therefore, create an offense not known perhaps to the common law — the offense of causing death — and this peculiar crime only occurs when the victim dies. Thus two distinct crimes are here committed; one, the common-law crime of murder, punishable only in the jurisdiction where the blow is struck, the other, the statutory offense of causing death, punishable in the state where death occurs.

STUDIES IN AUSTRALIAN CONSTITUTIONAL LAW. By A. Inglis Clark, Judge of the Supreme Court of Tasmania. Melbourne: Charles F. Maxwell. 1901. pp. xvi, 446. 8vo.

This is a book which should interest all students of our own system of constitutional law; and we heartily commend it to them. It gives the text of the Act of the Imperial Parliament which has united under a Federal Constitution those six states which now compose the Commonwealth of Australia, since the first day of the twentieth century; and this is accompanied by an instructive treatise and commentary on its leading provisions. What the author has undertaken is more exactly indicated in the title of his work and in his own words when he says: "The time has not yet arrived for a compre-